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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 WILLIAM L. FLEMING,

9 Plaintiff,

10 v.

11 PRUDENTIAL INSURANCE
12 COMPANY OF AMERICA,

Defendant.

C19-1328 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's Motion for Limited Discovery, docket no. 20, is DENIED.
16 Plaintiff brings this action pursuant to the Employee Retirement Income Security Act of
17 1974 ("ERISA"), to challenge Defendant's denial of coverage under the terms of an
18 accidental death and dismemberment (AD&D) policy. The parties agree that the Court's
19 review of Defendant's denial is *de novo*. Under *de novo* review, the Court evaluates
20 whether the plan administrator correctly or incorrectly denied benefits, without regard to
21 whether the administrator operated under a conflict of interest. *Abatie v. Alta Health &*
22 *Life Ins. Co.*, 458 F.3d 955, 963 (9th Cir. 2006). "A district court may admit extrinsic
23 evidence in cases involving . . . claims that require consideration of complex medical
questions or issues regarding the credibility of medical experts." *Kollar v. Sun Life*
Assurance Co. of Canada, 2019 WL 6839335, at *1-2 (W.D. Wash. Dec. 16, 2019)
(quoting *Opeta v. Nw. Airlines Pension Plan for Contract Emps.*, 484 F.3d 1211, 1217
(9th Cir. 2007)). Plaintiff seeks depositions of the medical experts who provided
declarations in support of Defendant's denial of AD&D coverage. However, this case
does not require the consideration of complex medical questions or the credibility of
medical experts, and Plaintiff has not otherwise shown that additional deposition

1 testimony is necessary to understand or clarify the medical examiners' conclusions. *See*
2 *Opeta*, 484 F.3d at 1217 (additional discovery not necessary to conduct *de novo* review in
3 ERISA case where such evidence would not clarify the administrative record and no
ambiguity regarding medical examiner's conclusion existed). The Court therefore denies
Plaintiff's Motion for Limited Discovery.

4 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

5 Dated this 31st day of January, 2020.

6
7 William M. McCool
Clerk

8 s/Karen Dews
9 Deputy Clerk